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August 11, 2015

**BY ECF**

Honorable Ramon E. Reyes, Jr.  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Curtis Sean Dancy v. City of New York, et al.  
15-CV-432 (RJD) (RER)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to defend the above-referenced matter. Defendant City of New York ("City") writes (1) to respectfully request a stay of discovery pending defendants fully dispositive motion to dismiss; and (2) with the hope that the Court will, *sua sponte*, grant an extension of the time for any served individual defendants to answer the Second Amended Complaint, until September 21, 2015. Plaintiff takes no position on these requests.

Defendant City respectfully requests a stay of discovery in this case while the Honorable Raymond J. Dearie considers defendant City's motion to dismiss. A Pre-Motion Conference is set for September 15, 2015, at which a briefing schedule will be set. We ask that discovery be stayed while the motion is pending and propose that a status letter be submitted to your Honor by September 21, 2015.

Defendant City also hopes that the Court will, *sua sponte*, grant an extension of time to answer or otherwise respond to the Second Amended Complaint to any served individual officers. The Second Amended Complaint was filed on June 24, 2015 (Dkt. No. 13). An extension of time to answer was granted on July 8, 2015, and defendants' answer was due yesterday, August 10<sup>th</sup>.<sup>1</sup> Defendant City filed a Pre-Motion Letter in lieu of an answer on July

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<sup>1</sup> The extension was granted on request as to defendant City, and *sua sponte* as to any served individual defendants. No certificates of service as to any individual defendants have yet been filed. Upon information and belief, Officers

23, 2015. The primary reason for this request is that the Pre-Motion Conference may result in a dispositive motion (see Dkt. No. 17). Defendant City, therefore, submits that efficiency will be served if those issues are decided before any individual defendants are required to file an answer. Defendant City also needs additional time to meet with the served officers and determine representation.

For these reasons, defendant City respectfully requests: (1) a stay of discovery pending defendants' motion to dismiss, with a status report due September 21, 2015; and (2) an extension of the date by which any served individual defendants must answer or otherwise respond to the Second Amended Complaint until September 21, 2015.

Thank you for your consideration.

Respectfully submitted,

/s/

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Rhiana Swartz  
Assistant Corporation Counsel

cc: Richard Reyes, Esq. (via ECF)  
*Attorney to Plaintiff*

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Williams and Kornbluth were served on or about June 25, 2015. Because this Office does not yet represent the officers, this application is not made on their behalf, but we hope that the Court will again grant the extension as to them *sua sponte*. The instant application for an extension of the August 10<sup>th</sup> deadline was first made yesterday, but was addressed to Judge Dearie rather than Your Honor. Defendant City apologizes for the misdirection of yesterday's request.